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**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re

THE RHODES COMPANIES, LLC.,  
 a Nevada limited liability company, et al.,<sup>1</sup>

Debtors.

Case Nos. BK-S-09-14814-LBR, *et. seq.*

(Jointly Administered Under BK-S-09-14814)

Chapter 11

**EX PARTE APPLICATION FOR ORDER  
 SHORTENING TIME FOR HEARING ON  
 MOTION TO STRIKE INADMISSIBLE  
 HEARSAY IN OBJECTION OF THE  
 FIRST LIEN STEERING COMMITTEE TO  
 DEBTORS' MOTION FOR INTERIM AND  
 FINAL ORDERS PURSUANT TO  
 SECTIONS 105, 361, 362, 363 AND 364 OF  
 THE BANKRUPTCY CODE (A)  
 AUTHORIZING DEBTORS TO USE CASH  
 COLLATERAL, (B) GRANTING  
 ADEQUATE PROTECTION TO THE  
 DEBTORS' PREPETITION SECURED  
 PARTIES AND (C) SCHEDULING A  
 FINAL HEARING**

Affects:

☒ All Debtors☐ Affects the following Debtor(s):

Hearing Date: OST PENDING

Hearing Time: OST PENDING

<sup>1</sup> The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, if applicable are: Heritage Land Company, LLC (2918); The Rhodes Companies, LLC (3060); Rhodes Ranch General Partnership (1760); Tick, LP (0707); Glynda, LP (5569); Chalkline, LP (0281); Batcave, LP (6837); Jackknife, LP (6189); Wallboard, LP (1467); Overflow, LP (9349); Rhodes Ranch Golf and Country Club (9730); Tuscany Acquisitions, LLC (0206); Tuscany Acquisitions II, LLC (8693); Tuscany Acquisitions III, LLC (9777); Tuscany Acquisitions IV, LLC (0509); Parcel 20 LLC (5534); Rhodes Design and Development Corp. (1963); C&J Holdings, Inc. (1315); Rhodes Realty, Inc. (0716); Jarupa LLC (4090); Elkhorn Investments, Inc. (6673); Rhodes Homes Arizona, LLC (7248); Rhodes Arizona Properties, LLC (8738); Tribes Holdings LLC (4347); Six Feathers Holdings, LLC (8451); Elkhorn Partners, a Nevada Limited Partnership (9654); Bravo, Inc. (2642); Gung-Ho Concrete, LLC (6966); Geronimo Plumbing, LLC (6897); Apache Framing, LLC (6352); Tuscany Golf Country Club, LLC (7132); Pinnacle Grading, LLC (4838).

Greenberg Traurig, LLP (“Counsel”), hereby submits this Ex Parte Application For Order Shortening Time For Hearing (the “Application”) on James Rhodes’ Motion to Strike Inadmissible Hearsay in Objection of the First Lien Steering Committee to the Debtors’ Motion for Interim and Final Orders Pursuant to Sections 105, 361, 362, 363 and 364 of the Bankruptcy Code (A) Authorizing Debtors to Use Cash Collateral, (B) Granting Adequate Protection to the Debtors’ Prepetition Secured Parties and (C) Scheduling a Final Hearing (the “Motion”). The Application is made and based on the following points and authorities, the Declaration of Brett Axelrod (the “Axelrod Declaration”) in support hereof, and the pleadings and papers on file herein.

WHEREFORE, Counsel respectfully requests that the Court hear the Motion on or before the Court’s 9:30 a.m. calendar on April 17, 2009, which is the same date and time set for the hearing on the Debtors’ Motion for Interim and Final Orders Pursuant to Sections 105, 361, 362, 363 and 364 of the Bankruptcy Code (A) Authorizing Debtors to Use Cash Collateral, (B) Granting Adequate Protection to the Debtors’ Prepetition Secured Parties and (C) Scheduling a Final Hearing (the “Cash Collateral Motion”) and grant such other and further relief as may be just and proper.

DATED this 14th day of April 2009.

**GREENBERG TRAURIG, LLP**

By /s/ Brett A. Axelrod  
 BRETT A. AXELROD, ESQ.  
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 Las Vegas, Nevada 89169

*Counsel for Sagebrush Enterprises, Inc.  
 and James Rhodes*

POINTS AND AUTHORITIES

I.

Counsel brings this Application pursuant to Local Bankruptcy Rule 9006 seeking an order shortening time for notice and hearing for the Motion and would respectfully show unto the Court as follows:

This Application is based upon the Axelrod Declaration filed in support hereof and affixed to this Application as **Exhibit A**, which is incorporated by reference herein.

The request for shortened time results from Counsel's need for the Court to consider the Motion at the same time or prior to the hearing on the Cash Collateral Motion scheduled for hearing on April 17, 2009, at 9:30 a.m.

An expedited hearing of the Motion is in the best interests of James Rhodes, the Debtors, their creditors and their estates.

Copies of the Motion and its related pleadings have been served on the Debtors, counsel for the Debtors, counsel for the First Lien Steering Committee, secured creditors, parties having requested special notice and the Office of the United States Trustee (collectively, the "Notice Parties"). If Counsel was aware of the Notice Parties having employed counsel, their counsel was provided copies of the Motion.

The proposed shortening of time will not adversely impact any party's ability to respond to the Motion, since the parties have had notice of the Motion as described above and, upon information and belief, have also had notice of the hearing on the Cash Collateral Motion to which the Motion relates. Further, the proposed shortening of time will still allow for compliance with Rule 4001(d) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), which provides that objections, if any, to the Motion may be filed and served within the time fixed by the Court. Fed.R.Bankr.P. 4001(d)(2).

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**The Relief is Authorized by Bankruptcy Rule 9006 and Meets Due Process Requirements.**

Bankruptcy Rules 9006(c)(1) and (d) authorize a court to reduce the time for a hearing and a party to file an ex parte motion to shorten the time for a hearing. Bankruptcy Rule 9006(c)(1) provides in relevant part:

- (1) In General. Except as provided in paragraph (2) of this subdivision, when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.

Fed.R.Bankr.P. 9006(c)(1).

Courts have generally acknowledged that such expedited relief does not violate due process rights, *even if the motion to shorten time is made ex parte*. Bankruptcy Rule 9006(c)(1) (emphasis added). “Bankruptcy Rule 9006(c) permits the bankruptcy court ‘for cause shown’ in its discretion, with or without motion or notice, to reduce the notice period, and ex parte motions for material reductions in the notice period are routinely granted by bankruptcy courts.” Hester v. NCNB Texas Nat’l Bank (In re Hester), 899 F.2d 361, 364 n. 3 (5th Cir. 1990); see also 9 Collier on Bankruptcy 9006.07 (Lawrence P. King ed., 15th ed. 1995). See, e.g. In re Gledhill, 76 F.3d 1070 (10th Cir.[Utah] 1996).

The Court’s decision to reduce the notice period under Bankruptcy Rule 9006 is essential since the hearing on the Cash Collateral Motion, to which the Motion relates, is scheduled for April 17, 2009, at 9:30 a.m.

**Counsel for James Rhodes Has Conferred With Debtors’ Counsel and Other Parties In Interest Regarding The Relief and the Expedited Consideration Thereof.**

Counsel has consulted the parties shown on the Attorney Information Sheet For Proposed Order Shortening Time, filed concurrently herewith and incorporated by reference herein.

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1 **II.**

2 **CONCLUSION**

3 WHEREFORE, Counsel respectfully requests that the Court hear the Motion on shortened  
4 notice on or before the Court's 9:30 a.m. calendar on April 17, 2009, which is the same date and time  
5 set for the hearing on the Cash Collateral Motion, and grant such other and further relief as may be just  
6 and proper.

7 DATED this 14th day of April 2009.

8 **GREENBERG TRAURIG, LLP**

9 By /s/ Brett A. Axelrod  
10 BRETT A. AXELROD, ESQ.  
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15 *and James Rhodes*  
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**EXHIBIT A**

**DECLARATION AFFIRMING REQUESTED RELIEF**

I, Brett A. Axelrod, declare under penalty of perjury that I am competent to make this declaration under the laws of the United States and the State of Nevada; that I have read the above Ex Parte Application to Shorten Time and that the facts stated therein are true and correct.

DATED this 14th day of April 2009.

**GREENBERG TRAURIG, LLP**

By /s/ Brett A. Axelrod  
BRETT A. AXELROD, ESQ.  
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